

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

AUG 6 2002

FILED

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE,

PETITIONER,

VS.

MAN-KIN TSUI,

RESPONDENT.

CONSENT ORDER

CAUSE NO. A-1482

AUG 06, 2002 10:00 AM  
NO. 1482  
TSUI, MAN-KIN  
CHEN, J.

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Linda R. Sanchez-Masi and Man-Kin Tsui, ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb.Rev.Stat. §44-101.01, §44-4001, et seq. (repealed as of September 1,2001) and §44-4047 et seq. (effective as of September 1, 2001).

2. Respondent was licensed as an insurance agent under the laws of Nebraska at all times material hereto.

STIPULATIONS OF FACT

1. The Department initiated this administrative proceeding by filing a petition styled State of Nebraska Department of Insurance vs. Man-Kin Tsui, Cause Number A-1482 on July 18, 2002. A copy of the petition was served upon the Respondent at the Respondent's address registered with the Department by certified mail, return receipt requested.

2. Respondent violated *Neb.Rev.Stat. §44-4028(6)* as a result of the following conduct:

- a. On or about May 17, 2000 the Respondent omitted medical information provided by Joyce Hakenewerth, in preparation of her application for sickness income policy. As a result of the omitted medical information, Combined Insurance Company rescinded Hakenewerth's disability policy.
  - b. On or about May 17, 2000 the Respondent changed the height and weight information on the application for sickness income policy. A copy of the application Respondent provided to Combined Insurance Company differs from the copy Respondent provided to the insured, Joyce Hakenewerth.
  - c. On or about March 1, 2001 the Respondent admitted in a letter to Janet Haerter, an employee of Combined Insurance Company, that the applicant, Joyce Hakenewert, provided medical information that had not been noted on the sickness income policy application.
3. Respondent was informed of his right to a public hearing. Respondent waives that right, and enters into this Consent Order freely and voluntarily. Respondent understands and acknowledges that by waiving his right to a public hearing, Respondent also waives his right to confrontation of witnesses, production of evidence, and judicial review.
4. Respondent admits the allegations contained in the Petition and restated in Paragraph #2 above.

#### CONCLUSIONS OF LAW

Respondent's conduct as alleged above constitutes a violation of Neb.Rev.Stat. §44-4028(6).

#### CONSENT ORDER

It is therefore ordered by the Director of Insurance ("Director") and agreed to by Respondent, Man-Kin Tsui, that Respondent shall pay an administrative fine in the amount of five hundred dollars (\$500) on or before thirty (30) days from the date the Director signs this Consent Order. In the event that Respondent fails to pay the administrative fine on or before thirty (30) days from the date the director signs this Consent Order, Respondent agrees that Respondent's insurance agent's license shall be suspended until such time that Respondent pay the administrative fine. The

Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his or her signature below.

Linda R Sanchez-Masi

Linda Sanchez- Masi  
Attorney for Nebraska  
Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, Nebraska 68508  
(402) 471-2201

08-06-02  
Date

MBZ

Respondent

8-6-02

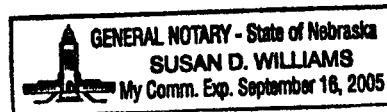
Date

\_\_\_\_\_  
Attorney for Respondent

\_\_\_\_\_  
Date

State of Nebraska )  
County of San Francisco ) ss.

On this 6<sup>th</sup> day of August, 2002, Man-Kin Tsui personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.



Susan D. Williams

Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the  
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs.  
Man-Kin Tsui, Cause No. A-1482.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE



L. TIM WAGNER  
Director of Insurance

8/6/02  
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the executed Consent Order was sent to the Respondent, at  
858 South 34<sup>th</sup> Street, Lincoln, Nebraska 68510, by certified mail, return receipt requested on this  
20<sup>th</sup> day of August, 2002.

